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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223176
Party	Defendant P.E. Asia Biomedicine Co., Ltd
Correspondence Address	JIM WEI 12866 Ann St Ste 106 Santa Fe Springs, CA 90670-3061 thelegalwei@yahoo.com
Submission	Answer
Filer's Name	Jim Wei
Filer's e-mail	thelegalwei@yahoo.com
Signature	/Jim Wei/
Date	09/15/2015
Attachments	Answer to opposition 91223176.PDF(116981 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re:

Opposition Number: 91223176

Advance Magazine Publishers Inc.[Opposer]

v.

P.E. Asia Biomedicine Co. Ltd. [Applicant]

App: Ser. No. 86/513199

Mark: Vogue Master

Applicant: P.E. Asia Biomedicine Co. Ltd

Answer to Opposition


1. From the verifiable sources and methods, Applicant admit Opposer's assertion in point one.
2. Applicant had a difficult time verifying all information but relied on Opposer's assertions. Of the verifiable record, Applicant admit point two but will withdraw its admission if it later turns out that the record provided is not true .
3. Applicant neither admit or deny Opposer's claim that Oppose been the most widely recognized and revered fashion publication. When using on-line tool for the top fashion publication, the result suggested that the top three fashion publications are Esquire, Vanity Fair, and Glamour. However, after further search, applicant do find support that Opposer's publication is within top Thirty fashion magazine publication. Therefore, applicant do acknowledge that Opposer is established in the industry of fashion publication.
4. Applicant cannot verify Opposer's claim but do acknowledges its good use of public forum. Applicant will admit Opposer's claim if the Opposer can show a more detail information and meta data to support its claim.

5. Based on Applicant's search and impression, Applicant acknowledge Opposer's trademark only limited it terms of magazine publication and perceived its online sites as a derivative of its magazine publication establishment.
6. Applicant admitted to point 6.
7. Applicant admitted only to Opposer's mark as established in the area of fashion magazine.
8. Applicant admitted to point 8.
9. Opposer had already oppose mark "en vogue" and "Vogue Corp" that both covered international class 03 goods and were unsuccessful in its opposition. Such results tend to support that the Opposer do not have an established claimed of the work "Vogue" in international class 03 goods. The word "vogue" itself is a fancy word which means top trend or fashion. Therefore, in the cosmetic goods, it may make more sense if we treat this word as merely descriptive and Applicant propose to make the work "Vogue" be non exclusive for all parties in terms of international class 003 goods and is willing to act accordingly if asked by the Board. Secondly, Opposer's application is for intent to use; therefore, Opposer's claim for dilution and confusion may be limited by law. From the Opposer's past dealing, Applicant may ask for Opposer's for record regarding past trademark application of "Vogue" in international class 003 goods to see if it is Opposer's business practice to use legal means to unreasonable withhold or push out others form the use of word "Vogue" in the cosmetic and clothing industry. Finally, the applicant also hope the Board will allow registration for the less controversial goods other than body cream which is consistent with past ruling.
10. Please see answer 9
11. Please see answer 9

Wherefore, Applicant after spending substantial resources using the mark, hope that the opposition be overruled or curtailed. Applicant also certify that a copy of this answer is mailed to the Opposer's counsel.

Respectfully submitted

Jim S. Wei



12866 Ann Street Suit#106

Santa Fe Springs, CA90670